



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: OTSUKI, Koichi, et al.

ATTN: PCT BRANCH

Serial No.: 10/567,968

Group Art Unit: 1615

Filed: February 10, 2006

P.T.O. Confirmation No.: 7177

For: ANTIVIRAL AGENT, AND FABRIC AND ANTIVIRAL MEMBER SUPPORTING  
ANTIVIRAL AGENT

RENEWED PETITION UNDER 37 CFR 1.47(a)

Mail Stop PCT  
Attn: Bryan Lin, PCT Legal Examiner  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 12, 2007

Dear Sir:

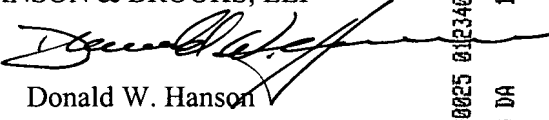
In response to the Decision on Papers Under 37 CFR 1.47(a) dated February 26, 2007, submitted herewith for filing are copies of communication letters dated October 26, 2006, November 9, 2006, November 17, 2006 and November 21, 2006 made to locate Mr. Masami YAKURA (a non-signing inventor). Because of the communication letters are not in English, a translation into English for each letter has been made and are also enclosed for filing.

Also enclosed is our check in the amount of \$130.00, for processing fee. In the event that any fees are due with this paper, please charge Deposit Account No. 01-2340.

In the event that this response is not timely filed, the applicants hereby petition for an appropriate extension of time. The fees for any such extension may be charged to our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

  
Donald W. Hanson  
Attorney for Applicants  
Reg. No. 27,133

DWH/rmp  
Atty. Docket No. 060131  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930

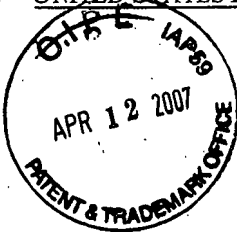


PATENT TRADEMARK OFFICE

Enclosures: Decision; Communication Letters dated October 26, 2006, November 9, 2006, November 17, 2006 and November 21, 2006 and English translations for each letter.



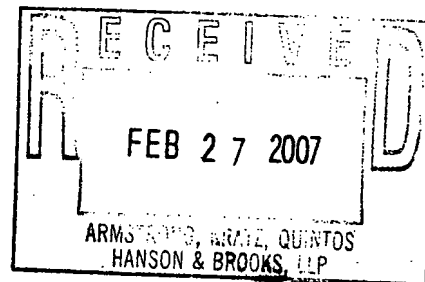
UNITED STATES PATENT AND TRADEMARK OFFICE



26 FEB 2007

CS / pwt  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006



In re Application of OTSUKI et al  
U.S. Application No.: 10/567,968  
PCT Application No.: PCT/JP2004/011853  
Int. Filing Date: 10 August 2004  
Priority Date Claimed: 12 August 2003  
Attorney Docket No.: 060131  
For: ANTIVIRAL AGENT AND FIBERS AND  
ANTIVIRAL MEMBERS USING THE  
SAME

2mo.  
Request For Reconsideration  
due April 26, 2007

DECISION

This is in response to applicant's "Statement Establishing the Proprietary Interest by Person Signing on Behalf of Non-Signing Inventor" filed 28 November 2006, which is being treated as a petition under 37 CFR 1.47(a).

**BACKGROUND**

On 10 August 2004, applicant filed international application PCT/JP2004/011853, which claimed priority of an earlier Japan application filed 12 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 17 February 2005. The thirty-month period for paying the basic national fee in the United States expired on 12 February 2006.

On 17 February 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 August 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 November 2006, applicant filed the present petition under 37 CFR 1.47(a).

DOCKETED

FILE

JW RF  
Feb. 28, 2007

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The petition states that joint inventor Masami Yakura cannot be found. However, the petition does not sufficiently establish that a diligent effort was made to locate Yakura. Applicant should supply an affidavit signed by the person with firsthand knowledge of the various attempts to reach Yakura along with any supporting documentary evidence.

With regard to item (3) above, the requisite petition fee has not been provided.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Bryan Lin*

Bryan Lin  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459



You Moriyama  
ORIYAMA INTERNATIONAL PATENT OFFICE  
3F, Ishikawa Bldg.  
27 Chamachi, Yonago-shi, 683-0041  
Tel: 0859-35-8270, Fax: 0859-35-8271  
(Tottori branch)  
Tel: 0857-38-6011, Fax: 0857-38-6012

October 26, 2006

Re: Declaration

Dear Mr. Masami Yakura

Greetings.

The reason we are sending this letter is that in the U.S., not all the inventors of co-invention, but some of the co-inventors can file a patent application, usually by mailing a letter to an inventor, by receiving un-delivery notice, and by submitting a copy of the un-delivery notice in the U.S. patent and trademark office as an explanation.

It would be appreciated if you can let us know when you receive this certified mail.

If you have any questions regarding this letter, please do not hesitate to contact us.

Pardon the brevity of this note.

Your further cooperation in this matter will be much appreciated.

Sincerely,

平成18年10月26日

矢倉 正美 様

〒683-0041 米子市茶町2-7 石川ビル3F

森山国際特許事務所

弁理士 森山 陽

TEL:0859-35-8270、FAX:0859-35-8271

<鳥取支部>

TEL:0857-38-6011、FAX:0857-38-6012



発明者宣言書の件

時下ますますご清祥の段、お喜び申し上げます。

このような書簡を差し上げますのは、米国では、共同発明者の全員でなく、その一部の者でも米国への特許出願ができるようになっており、通常は書留郵便で本人の住所宛に書面を送付し、配達ができなかった証明（不配通知）を得て、そのコピーを説明書として米国特許庁に提出するようことが行われているということに基づくものです。

尚、今般ご郵送申上げました配達証明付き書留（本通知のこと）をお受け取りになられた場合は、受け取った旨を弊社宛にご連絡頂ければ幸いです。

また、今回の書簡についてご質問等がありましたら、何なりと弊社までごお問い合わせ下さい。

まずは用件のみにて失礼致します。

今後とも宜しくお願い致します。

敬具



You Moriyama  
MORIYAMA INTERNATIONAL PATENT OFFICE

3F, Ishikawa Bldg.  
27 Chamachi, Yonago-shi, 683-0041  
Tel: 0859-35-8270, Fax: 0859-35-8271  
(Tottori branch)  
Tel: 0857-38-6011, Fax: 0857-38-6012

November 9, 2006

Re: Declaration

Dear Mr. Masami Yakura

Greetings.

The reason we are sending this letter is that in the U.S., not all the inventors of co-invention, but some of the co-inventors can file a patent application, usually by mailing a letter to an inventor, by receiving un-delivery notice, and by submitting a copy of the un-delivery notice in the U.S. patent and trademark office as an explanation.

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Sincerely,

平成18年11月9日

矢倉 正美 様

〒683-0041 米子市茶町2-7 石川ビル3F

森山国際特許事務所

弁理士 森山 陽

TEL:0859-35-8270、FAX:0859-35-8271

&lt;鳥取支部&gt;

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You Moriyama  
MORIYAMA INTERNATIONAL PATENT OFFICE  
3F, Ishikawa Bldg.  
27 Chamachi, Yonago-shi, 683-0041  
Tel: 0859-35-8270, Fax: 0859-35-8271  
(Tottori branch)  
Tel: 0857-38-6011, Fax: 0857-38-6012

November 17, 2006

Re: Declaration

Dear Mr. Masami Yakura

Greetings.

Regarding U.S. Serial No. 10/567,968 based on PCT/JP2004/011853 in which assignees are MOCHIGASE ELECTRICAL EQUIPMENT CO., LTD. and Mr. Koichi Otsuki, enclosed please find documents which need your signatures. Please execute and date on necessary parts of those documents, and return them to us as soon as possible.

What you need to execute on the documents are four sections of signatures and dates, in the second page of a paper entitled "23850 PATENT TRADEMARK OFFICE" on the top, and in the paper entitled "ASSIGNMENT."

If you have any questions, please do not hesitate to contact us.

Pardon the brevity of this note.

Your further cooperation in this matter will be much appreciated.

Sincerely,

2006年11月17日

矢倉 正美 様

〒683-0041 米子市茶町2-7 石川ビル3F

森山国際特許事務所

弁理士 森山 陽

TEL:0859-35-8270、FAX:0859-35-8271

<鳥取支部>

TEL:0857-38-6011、FAX:0857-38-6012



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用瀬電機株式会社及び大槻公一氏共同名義 PCT/JP2004/011853 に基づく米国特許出願第10/567,968号に関し、矢倉様のご署名が必要な書面がありますので、該当箇所にご署名ならびにご署名日付をご記入頂き、お手数ですが、至急弊所までご返送下さいますようよろしくお願い致します。

尚、矢倉様のご署名が必要な書面は、冒頭に"23850 PATENT TRADEMARK OFFICE"と標題のついている書面の2枚目の書名欄及び日付欄ならびに、"U.S. ASSIGNMENT"と標題のついている書面の書名欄及び日付欄の4箇所です。

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MORIYAMA INTERNATIONAL PATENT OFFICE  
3F, Ishikawa Bldg.  
27 Chamachi, Yonago-shi, 683-0041  
Tel: 0859-35-8270, Fax: 0859-35-8271  
(Tottori branch)  
Tel: 0857-38-6011, Fax: 0857-38-6012

November 21, 2006

Re: Declaration

Dear Mr. Masami Yakura

Greetings.

Regarding U.S. Serial No. 10/567,968 based on PCT/JP2004/011853 in which assignees are MOCHIGASE ELECTRICAL EQUIPMENT CO., LTD. and Mr. Koichi Otsuki, enclosed please find documents which need your signatures. Please execute and date on necessary parts of those documents, and return them to us as soon as possible.

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Pardon the brevity of this note.

Your further cooperation in this matter will be much appreciated.

Sincerely,

2006年11月21日

矢倉 正美 様

〒683-0041 米子市茶町2-7 石川ビル3F

森山国際特許事務所

弁理士 森山 陽

TEL:0859-35-8270、FAX:0859-35-8271

<鳥取支部>

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